

IN THE UNITED STATES DISTRICT COURT
~~FOR THE MIDDLE~~ DISTRICT OF ALABAMA
 EASTERN DIVISION

George D. McCarley

Plaintiff

v.

2007 OCT 12 A 9:35

CEBRA P. HACKETT, Clerk
 U.S. DISTRICT COURT
 MIDDLE DISTRICT ALA

Civil Action No. 3:06-CV-00091-MEF

Lead Case¹

Household Finance Corporation III

Defendant

PLAINTIFF OBJECTION/OPPOSITION TO DEFENSE SUMMARY JUDGMENT MOTION

This objection and MOTION TO STRIKE is entered in opposition to the Defense Summary Judgment motion presented on September 28, 2007. We strongly urge this court to strike and deny said motion due to our Brief in Support of Denial of Summary Judgment (enclosed).

While this Plaintiff response and objection may be deemed "sharp", plaintiff would like to thank defendant for this motion as it proves clearly and unmistakably that the defendant NEVER had a defensible case of foreclosure against McCarley and that he is unable to produce a defensible case that would uphold his possibly criminal act of processing foreclosure while in violation of RESPA.

Plaintiff will provide several succinct points of evidence² to the court that will undoubtedly lead this court to overrule and strike and deny the defense motion presented. The numbered points below will be supported by evidence and rebuttal contained in our "Brief in Support."

1. Defendant Failure to cite specific Plaintiff Charges
2. Defendant failure to cite Case Precedent in his Brief(s) in Support
3. Defendant Contradictions within motion
4. Defendant Omission of Key evidence documents filed with Alabama Attorney General³

¹ 3:06 cv 00091 (lead case) includes Household Finance Corporation, III (00093), HSBC-Gr. Corp. (00102), HSBC Mortgage Services, Inc. (00104), HSBC Finance Corporation (00101), and, Household International, Inc. (00103).

² Plaintiff and Defense held a face to face meeting on July 11, 2007, exchanged documents and discussed the case. Defense supplied some 164 documents and plaintiff supplied even more. Defense documents are numbered with five digits and case number, in the bottom right hand corner. Plaintiff will rely upon documents supplied by defendant.

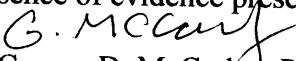
Plaintiff alleges defense has withheld key evidence documents. Defense redacted points contained in the 164 documents, and reproduced only documents that cast plaintiff in a negative light. Therefore, the points McCarley will present using defense documents should carry even greater weight when demonstrating evidence favorable to McCarley.

5. Defendant Contradiction/Lies contained in evidence omitted by defendant.
6. Presence of Defendant Fraudulent misrepresentation (newly identified)
7. Evidence documents proving Defendant was never in position to fully service mortgage
8. Defendant lies contained in Motion versus interrogatory response vs Legal Paper filed.
9. Obvious need to add party defendants based upon defendant supplied documents.
10. Defendant failure to address a major element of Plaintiff charges, the financial disclosure violations, that go to 12 USC § 2605 for billing violations.

Granting defense motion as presented would have the destructive effect of declaring unconstitutional, the legal codes known as TILA and RESPA, designed to protect every consumer.

In summation, we strongly urge this court to (i) overrule, strike, and deny the defendant summary judgment motion, and, (ii) move this trial forward to the most immediate date, (iii) award Summary Judgment to Plaintiff, based upon clear absence of evidence presented by defense.

Respectfully submitted


George D. McCarley, Pro Se
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Roanoke, Al 36274
334-863-6489

PROOF OF SERVICE

I, George D. McCarley, do swear or affirm that on October 11, 2007, I have served the enclosed ACTION on each party to the above or that party's counsel, and on every other person required to be served, by depositing envelope containing the above documents in the United States Mail properly addressed, and with first class postage prepaid, for delivery within 3 calendar days.

The Clerk

Middle District of Alabama, Eastern Division
One Church Street, PO Box 711
Montgomery, Al 36101-0711
334-954-3600

Defendant Attorney

Mr. George Parker
Bradley Arant Rose and White
Alabama Center for Commerce
401 Adams Avenue, Suite 780
Montgomery, Al 36104
334-956-7671, 956-7700

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 11, 2007


George D. McCarley

³ Plaintiff McCarley submitted his 12 USC § 2605 RESPA "Qualified Letters of Complaint" directly to the Alabama Attorney General Office of Consumer Affairs Specialist Barbara Armstrong. Defendant servicer bank was never able to locate McCarley mortgage until Ms. Armstrong directed McCarley to a Montgomery Affiliate bank.